

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DIRK ABBAS,

6:11-CV-06200-SU

Plaintiff,

ORDER

v.

CAROLYN W. COLVIN, Acting  
Commissioner, Social Security  
Administration,<sup>1</sup>

Defendant.

BROWN, Judge.

Magistrate Judge Patricia Sullivan issued Findings and Recommendation (#30) on June 17, 2014. On June 17, 2014, the Magistrate Judge struck the Findings and Recommendation (#30) and

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<sup>1</sup> Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted for Michael J. Astrue as Defendant in this case. No further action need be taken to continue this case by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405. Procedure 72(b).

issued Revised Findings and Recommendation (#32) on June 18, 2014, in which she recommends this Court grant Plaintiff's Unopposed Motion (#26) for Attorney Fees for 42 U.S.C. 406(b) and award Plaintiff attorneys' fees in the amount of \$2,110.97.<sup>2</sup> The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See *Dawson v. Marshall*, 561 F.3d 930, 932 (9<sup>th</sup> Cir. 2009). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*). Having reviewed the legal principles *de novo*, the Court does not find any error.

### CONCLUSION

The Court **ADOPTS** Magistrate Judge Sullivan's Revised Findings and Recommendation (#32). Accordingly, the Court **GRANTS** Plaintiff's Unopposed Motion (#26) for Attorney Fees for 42 U.S.C. 406(b) and **AWARDS** Plaintiff attorneys' fees in the amount

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<sup>2</sup> In his Motion Plaintiff requests attorney's fees pursuant to § 406(b) in the amount of \$9,203.45 but notes counsel has received fees pursuant to the Equal Access to Justice Act (EAJA) in the amount of \$7,092.48. Plaintiff, therefore, stipulates to an award of \$2,110.97, which is the \$9,203.45 in § 406(b) fees less the \$7,092.48 in EAJA fees.

of **\$2,110.97.**

IT IS SO ORDERED.

DATED this 5<sup>th</sup> day of August, 2014.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge